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## Uranium Mining on Sacred Land

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# Uranium Mining on Sacred Land: the Case of Mount Taylor (NM, USA)

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The issues discussed in this paper are historic and contemporary land use matters, and the sacred land in question is Mount Taylor, New Mexico, a stand-alone extinct volcano visible from Albuquerque to Gallup on the Northern side of I-40. While the use of the term ‘sacred’ has declined in the United States in the 21<sup>st</sup> century, due to its polysemic nature, and the specific meaning of sacredness in—largely Christian—mainstream societies, it is still the favored term in Europe when presenting Native American land use. Instead of “sacredness,” it would be more appropriate to mention the “spiritual significance” of a place, or simply to state that it is a “place that counts” (King 7-10).

Despite its significance in the mythologies of the local tribes, Mount Taylor is still known by its Anglo-Saxon name, commemorating a U.S. president who—as “Old Rough and Ready”—was a victorious general in the 1846-47 conquest of Mexico which transferred the territory to the United States. The anomaly is due to the widely different names of the mountain for the local tribes: *Tsoodzil* for the Navajo, *Kaweshtima* for the Acoma, *Dewankwin Kyaba:chu Yalanne* for the Zuni, *Tsiipiya* for the Hopi, and *Tsipina* for the Laguna (Mount Taylor, Application for Registration 12/1).

When Shepard Krech published his *Ecological Indian* in 1999, a criticism of the Indian as the archetypal conservationist, he derided the Indians’ “ecological sainthood,” opposed to the “Nonecological White Man” (Krech 22). The context of uranium mining, where the companies involved are largely seen as “white” and “mainstream,” seems to illustrate the plight of the Ecological Indian pitted against the dominant authorities. However, the situation is not as clearcut as the Indigenous do not speak in one voice. In fact, it is not even clear who is Indigenous and who is not, as local Hispanics claim their indigeness. On

top of that, energy needs are growing despite goodwill and policies to reduce the dependency on energy sources seen as polluting and/or dangerous.

## **Mount Taylor: history and development**

Mount Taylor, with an altitude of 3,446 meters, rises almost 1250 meters above the surrounding high plateau, explaining its position as the Navajos' cardinal mountain of the South. The summit is located 25 km northeast of Grants, and I-40 skirts the base of the mountain. Its slopes are timbered with large clearings towards the top. A secondary summit hosts an array of radio towers and, since it is located in the Cibola National Forest—"Land of Many Uses"—its slopes and adjoining mesas are crisscrossed with forest roads. Approaching the mountain from Grants, mining operations in various stages of decay can be observed: structures, decrepit equipment, piles of tailings. The bleak description is mitigated by the existence of a trail, the Gooseberry Springs Trail, which ascends the mountain through a pristine flank and reaches an undisturbed summit ridge.

The economic reality is best expressed by an overview of the city of Grants, a community of 10,000 inhabitants advertising "low property taxes, inexpensive housing" (Grants Chamber of Commerce), a widely stretched out town along the Interstate, a city that tries hard to beautify its urbanistic landscape through zoning laws restricting, among others, the implantation of mobile homes. Closed and boarded up businesses, and weedy commercial properties in the city center signal hard times. As in most American cities, business life is found in an off-center location, mainly on one of the access roads from the Interstate with motels and a Walmart store which seems to be the heart of town life.

The old downtown, along the main thoroughfare—Santa Fe Avenue—sports a large stone building housing the Grants Mining Museum, formerly named the Uranium Mining Museum. The museum is manned by an assistant who seems to be trying to guess whether visitors are opposed to uranium mining or eager to learn about it. In fact, the whole exhibit swings between the wish to transmit knowledge about uranium mining and the fear that the word "uranium" will scare away the tourists. The assistant helpfully adds that "the mines have been bulldozed over, you wouldn't know they are there" (October 2011). While avoiding as much as possible the term uranium, the museum is about uranium mining from the 1950 discovery of uranium ore by Paddy Martinez, a Navajo of Mexican descent. The fact that the discoverer was part Navajo is mentioned in a prominent position. Archival footage in the Grants Mining Museum shows both blue-collar workers and white-collar workers with no protection inside the underground mines while the exhibits emphasize

the use of face masks and individual Geiger counters. The mines extend East and West of Grants, from Laguna Pueblo, where the Jackpile open pit mine is located, to Gallup, with a northern extension to the underground Ambrosia Lake site. This is the Grants Uranium Belt, accounting for 97% of New Mexico's uranium production between 1948 and 2002, and more than 30% of the total production in the United States (McLemore 1).

The human history of Mount Taylor is part of the crux of the problem. The proto-Puebloan ancestors of the surrounding Pueblos have occupied the area since the 12<sup>th</sup> century, although they originated in the San Juan Basin further to the North between AD 1 and AD 700. The Athapaskan ancestors of the Navajos, reached the Southwest later, and drifted into Northern New Mexico between the 15<sup>th</sup> and 16<sup>th</sup> centuries, at a time when Spanish colonization started (Gutierrez xxvii-xxviii). There are thus several sides to the history of Mount Taylor, stories nestled into each other. Before the start of the Spanish colonization in 1598, the Pueblos were a loosely aggregated population with two language families, Tanoan and Keres, plus Zuni as an isolate (Campbell 138-140). In order to manage the colonial population, Spain aggregated the Pueblos into larger units, a move the Pueblos accepted since it helped protect them against Athapaskan intrusion. At times large native populations were relocated, and reshuffled, in accordance with the policies of the colonial power. Thus, the pueblo of Laguna was established in the late 17<sup>th</sup> century—the land grant is dated 1689—to create a buffer zone between the raiding Navajo tribe and the colonized Rio Grande Valley.

In order to reward the colonists, the Spanish colonial power granted land—the so-called land grants—to settlers as individuals or groups. Due to corruption and carelessness, up to 75% of the Hispanic land grant claims were lost in the process of the American takeover after 1848 and the subsequent surveying process. The issue has remained emotional in New Mexico. In 1998, 150 years after the ratification of the treaty of Guadalupe Hidalgo, the “long-standing unfairness” was addressed by a Public Land Management Committee. A land grant forum was established in order to assess the situation, locate the documents pertaining to the land grants and their heirs (Guadalupe-Hidalgo Treaty Land Claims Act of 1998 2-3, 7-13). And a list of 295 land grants was established for New Mexico alone (Treaty of Guadalupe Hidalgo. Definition and List of Community Land Grants in New Mexico 7).

One of the legal problems inherent to land grants is the original ownership issue. The King of Spain granted land to settlers, as well as to indigenous pueblos, under the right of conquest, which was then undisputed. The system continued under Mexican rule. The land grants protected the grantees, whether indigenous or not, from unlawful intrusions. However, in the light of Indigenous

rights—as they are discussed today—the land grant system has no legal basis, and the term indigenous itself needs to be qualified. The UN's Working Group on Indigenous Populations spent 20 years defining indigenoussness and the rights of the Indigenous (Schulte-Tenckhoff 5-8), culminating in the 2007 Declaration on the Rights of Indigenous Peoples. The Declaration evolves from the main idea that the rights of those who were there first are superior to the rights of (colonial) latecomers.

The idea is not new and was defended in the activist 1960s by Reies Tijerina, a preacher of Texan-Mexican origin, who spearheaded the *Allianza*, an organization dedicated to regaining the lost land grants. Tijerina was an early proponent of the mixed genetic identities in Mexico after centuries of denial where the colonists insisted on their pure-bloodedness (*limpiezza di sangue*). For him the New Mexicans are *Indohipano*, Spanish and Indian, underdogs fighting for their rights against the powerful Anglo newcomers (Tijerina 39-40).

When the government acted to identify the land grants, and the descendants of the original owners, a hearing of the interested parties was organized in Española, NM, in 1998. Land grant owners as well as Pueblos were invited to present their testimonies. While the Hispanics presented the case of their lost land base, Walter Dasheno, speaking for the Eight Northern Pueblos, reminded the audience that the Pueblos were the first victims:

*If it was wrong for the American Government to take lands which rightfully belong to the Hispanic people of New Mexico, then it was just as wrong for the Spanish, Mexican, and American Governments to take lands which rightfully belong to the native Indian people of our state. (Treaty of Guadalupe Hidalgo. Definition and List of Community Land Grants in New Mexico 27-31).*

We will not consider here the painful problem of genetic identities, a question that highlights the importance of constructed identities in a hybrid society where allegiances shifted up to the 19<sup>th</sup> century.<sup>1</sup> We will, however, call to the rescue John Bowen's three-point definition of indigenoussness. He considers that there has to be a "long temporal gap between the early migrations of today's First Peoples and the conquest of the region by Europeans," that there has to be a clear difference in modes of life and physical appearance, and an assumption that the Indigenous wish to preserve their distinctiveness (Bowen 13). There is a "temporal gap" between the arrival of the ancestors of the Pueblo and Spanish conquest. The gap is much reduced, and at times nonexistent, between the arrival of the Athapascans and the Spanish. And there is a "temporal gap,"

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1. *Biomapping*, an edited book by Susanne Berthier-Foglar, Sheila Collingwood-Whittick, and Sandrine Tolazzi is scheduled for publication in 2012 by Rodopi.

spanning almost three centuries, between the arrival of the Spanish and the Anglo-Saxon conquest of 1846. It seems understandable why the Hispanics consider their rights to be superior to the rights of American Anglo-Saxons. However, if we are to apply Bowen's theory, all the Indigenous, Pueblo and Athapascans have to be considered as one group, with equal Indigenous rights. The additional criterion of vulnerability, added by international agencies to distinguish the Indigenous from the non-Indigenous (Bowen 13), muddies the waters in the geographical context of Mount Taylor as it applies to Hispanics as well.

When the rights of Hispanic land grant heirs were discussed in the late 20<sup>th</sup> century, the New Mexican Senators, Pete Domenici and Jeff Bingaman, who sponsored the Guadalupe Hidalgo Land Claims act of 1998, were particularly careful to skirt the issue of indigenusness and to avoid publicizing Tijerina's radical activism. Thus without delving into the "painful kinship" issues (Brooks 40) at the roots of New Mexican society, and the *Mestizaje* theory (Brooks 365) of a new hybrid *race* specific to the Spanish borderlands, the Senators announced that their aim was to establish justice while taking into account the fact that Pueblo landownership predates the Hispanic land grants (Treaty of Guadalupe Hidalgo. Definition and List of Community Land Grants in New Mexico 19). Land use will thus be seen in the light of conflicting interests and minority issues.

The land surrounding Mount Taylor is federal, state, and private land, thus rendering land use issues more complex. On Indian land, contemporary land use laws derive largely from the 1975 Indian Self-Determination and Education Assistance Act, when the lawmaker recognized the failure of imposed management and transferred more organizational power to the tribes. In 1978, the American Indian Religious Freedom Act recognized that federal actions have hampered religious freedom and that Native Americans had a right to "express, and exercise [their] traditional religions" and that access to specific sites was an integral part of the religious experience. The 1993 Religious Freedom Restoration Act pointed out that laws neutral to religions could be detrimental to Native American religions, and that right of access to sacred sites on federal land should be granted to tribes when appropriate, even when the decision seemed to give undue protection to a specific religion. President Clinton's 1996 Executive Order on religious freedom (EO 13007) stated furthermore that the tribes' wish to secrecy should be respected when they claimed access to sacred sites. The location of the area a tribe wishes to protect would not be divulged in public statements.

The main impact of the religious freedom laws is that Native American arguments are heard in cases of land issues, often with great sensitivity

on the part of the agencies—such as the Forest Service—in charge of land management. Recent impact studies dealing with rock climbing at Cave Rock, Nevada, and the extension of the ski area on the San Francisco Peaks, Arizona, show that great care is taken to transcribe the alternative viewpoints of the tribes (Berthier-Foglar 2010: 641-42).

### **Protecting Mount Taylor as a TCP (Traditional Cultural Property)**

Protecting natural resources is a recent phenomenon in the history of mankind and it is largely linked to economic wellbeing. Thus, the first radium mining operations on Mount Taylor in the early 1900s did not draw criticism (McLemore 1). Neither did the early uranium boom, starting in 1951, and linked to the Cold War and the weapons production. The mutagenic diseases induced by low-level radiations appeared only after a long period of cumulative effects, and often after contact with the radioactive substance had ceased. Increased mortality of underground uranium workers is an undisputed fact (Boice *et al.*) however, persons in contact with uranium aboveground—miners in open pit sites, millers, ore transporters, residents living downwind from atmospheric tests (“downwinders”), as well as their offspring—also experience health problems. They are not limited to an ethnic or social group but cumulative inhalation tends to occur most within the group experiencing the most repetitive contact with uranium dust.

The archival film footage in the Grants Mining Museum shows miners without masks and the exhibit does not comment upon the discrepancy between the shown safety equipment and the lack thereof in the film footage. Drawing upon the conclusions of Boice *et al.*, it might be guessed that the underground blue-collar miners were the ones with the highest risk, as they spent longer hours underground.

Gradually, the term radiation sickness came to be used as a generic term among the Navajo to cover a wide array of health effects, from shortness of breath, to kidney failure, and cancers. A post-fact creation story appeared whereby the Navajo were given the choice between two yellow powdery substances, corn pollen representing a positive force, and uranium ore, a negative force. The story claims that they have chosen corn pollen while uranium ore became the “yellow monster” (Rondon in Catalinotto, chapter 14).

Knowledge of the risk, especially the risk faced by the Indigenous, entered mainstream consciousness through literature—at times popular literature—and it became widely accepted that radiation harbored hidden dangers. Concurrently, criticism of the use of the atom bomb to end WWII was voiced in the U.S., and more particularly in New Mexico. Even in Los Alamos—the



stronghold of nuclear research—a one-sided presentation of the atom bomb was criticized and, when the Bradbury Science Museum moved to its present downtown location in 1993, an exhibition room was designated to present an alternative vision.

In 1977, Leslie Marmon Silko linked witchery to an old uranium mine in her novel *Ceremony* before uniting Hiroshima and Gallup in a final sand painting in the dreams of mixed-blood Tayo (Silko 1977: 243-244, 252). In *Almanac of the Dead*, a giant stone snake appeared close to the uranium mine near Laguna Pueblo (Silko 1991: 35). Meanwhile for Acoma poet and former miner Simon Ortiz, the Indian, who had to start at the bottom, always remains at the lowest level of the mine (Ortiz, “Starting at the Bottom”). Popular literature followed the trend. In 1980, Tony Hillerman, who used current news as inspiration for his detective series, linked radiation sickness to the greed of mining companies in *People of Darkness*, a novel set on the flanks of Mount Taylor. And in 1995, Hispanic author Rudolfo Anaya, has his detective Sony Bacca investigate a case of eco-terrorism linked to the transport of radioactive waste across New Mexico while the death of the hero’s father is attributed to uranium (Anaya 56).

Publicizing the dangers of the nuclear industry helped fuel the protest movement against uranium mining and the passing of protective legislation. The Radiation Exposure Compensation Act (RECA) of 1990 was aimed at Nevada “downwinders” and uranium workers in the West. Compensation issues led to discussions concerning the risk level, and often individuals with a higher risk factor, such as smokers, were excluded from compensation. The anti-smoking measure excluded *de facto* many Navajos who were not smokers *per se* but admitted to ceremonial smoking. Moreover, Navajo widows of uranium workers were often excluded from claims due to the fact that they didn’t have a marriage license. On top of that, Navajo people often do not keep records and are unable to prove their work history. Worst of all, Navajo children were excluded, although there were not smokers, and were not uranium workers, but were affected as they lived around tailings.

The location of the Navajo Nation and Pueblo tribes close to the mines, plus the fact that the mines represent employment in an area that lacks other opportunities, place the Indigenous in a high risk population, a textbook example of absence of “environmental justice,” *i.e.* the fair treatment of minority groups in matters of environmental issues. Uranium mining is not race-neutral and has a detrimental effect on a minority. An addendum to RECA is being discussed to achieve fair treatment of Navajo claims, allowing them to use affidavits instead of employment and health records (Killian & Davis). The high burden imposed on Navajo workers and their families (Brugge, Benally and Yazzie-Lewis 11-23) has led—then President of the Navajo Nation—Joe Shirley,



to pass tribal legislation in 2005 outlawing uranium mining and processing on the territory of the Navajo Nation (Diné Natural Resources Protection Act, and Berthier-Foglar 2011). Shepard Krech's "ecological Indian" has reached an ecological decision.

Meanwhile, in 2009, approximately a decade after the closing of the last uranium mine in the Grants area, the state of New Mexico appropriated \$150,000 to assess the safety issue of abandoned uranium mines. Of the 400 mines believed to exist, 259 have been located and 137 of them have had no cleanup. The mines range from full-scale mines to test-holes—the so-called "dog-holes"—and they are overwhelmingly concentrated in the Grants uranium belt. Some of the smaller mines are located next to houses where children may use the flooded hole for swimming. The mines on the Eastern part of the Navajo Reservation represent an additional health risk as 30% of the people do not have access to regulated drinking water. Since the mines have been dug as test sites, no prior authorization documents give their location, which has to be assessed by testing the radioactivity of the ground against a background reading. Another way to assess the location of radioactive mines is to study geographical health statistics, to monitor clusters of diseases among a sedentary population. However, since Native Americans and Hispanics have a higher incidence of kidney diseases and diabetes, mapping the geographic occurrence of diseases is a complex task that has to take into account the ethnic background of the tested population (Childress).

The downturn of the economy affects all segments of the New Mexican population, and the Navajos' decision to outlaw uranium could be hard to maintain. The local 'Indian' casinos are feeling the crunch and layoffs are being considered at Acoma's Dancing Eagle casino (October 2011). A falling sympathy factor for Native Americans is another trend. When Laguna opened its Route 66 casino in 2003, it was not Indian themed but stands as a tacky memorial to the mass exodus to the West. Only a few Pueblo pots exhibited in a small side room off the entrance indicate that this is tribal land. When questioned privately, many New Mexicans—Anglo or Hispanics—cautiously say that "everybody is jealous of the Indians."

Before the Fukushima power plant accident in March 2011, nuclear energy was being considered as a necessity and the major uranium mining companies had staked their claims in the Grants area. Energy needs in the wide spaces of the North American continent are difficult to curb, and European-style public transportation policies difficult to implement. Every possible energy resource is being considered and the fact that the Navajos move towards the oxymoronic 'clean coal' is symptomatic (Helman).

Meanwhile, the private owners of the Hispanic Ceboletta land grant, located on the eastern flanks of Mount Taylor hope to profit from jobs and revenues linked to the reopening of the uranium mines in an area with little economic possibilities besides the 55 mile (88 km) drive to Albuquerque (Scarantino). The problem is one of land ownership. The uranium mines around Grants are located on Indian and non-Indian land. Today, tribal sovereignty over tribal land is accepted, and a “colonial” exploitation of tribal resources by insensitive corporations is a thing of the past. The fight against uranium mining is done according to the traditional rules of land ownership. The only possible action for the Navajo living on the Eastern fringe of the reservation, in an area interspersed with private land, was to unite—as a lobby—against uranium operations close to their living quarters, on land over which they have no jurisdiction (ENDAUM, Eastern Navajo Diné Against Uranium Mining).

One more radical argument has yet to be heard. Indigenous peoples collectively claim the whole of North America as their homeland before contact with Europe. The 2007 Declaration on the Rights of Indigenous Peoples states that: “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired” (Article 26/1). When U.S. President Barack Obama finally ratified the Declaration, despite previous information that he would not, he opened the way for a new approach to sovereignty and land claim issues that has yet to be assessed. While the text does not become U.S. law through presidential ratification, it remains a set of guidelines and sends a strong message to the tribes. We can only guess whether the tribes would dare to lay claim to Mount Taylor’s resources, or whether they would avoid such an unpopular demand.

In matters of protecting Mount Taylor, the neighboring tribes have chosen a mainstream approach and have decided to claim the area as a site of cultural heritage, avoiding the term sacredness, probably in the wake of Shepard Krech’s *Ecological Indian* which ridiculed the concept of sacredness of the earth, rendering it useless as a legal argument. The concept of TCP (Traditional Cultural Property) evolved from the protection of tangible cultural properties—*i.e.* real estate—as mentioned in the 1954 Hague Declaration protecting loci considered “cultural property of all mankind.” In the U.S., the National Historic Preservation Act (NHPA) of 1966 furthermore mentions that “Federal agencies [have] to take into account the effects of their undertakings on historic properties” (NHPA section 106). For the first time intangible elements were discussed as being part of culture and in need of protection. When the law was first tested, in the early 1970s, in the case of a flood control dam to be built in Tahquitz Canyon, Palm Springs, a tribe rejected the project for cultural reasons (King 24). In the decades that followed, the concept was refined, and in

1998, the National Park Service issued official guidelines to define Traditional Cultural Properties (TCPs) and their protection (King 30-35). Places thus came to be regarded as culturally important without having to be sublime wonders of nature in the manner of UNESCO World Heritage Sites. TCPs are held dear locally, against spreading globalism, and often provide “spiritual energy” to the people who revere them (King 1-2, 7-10).

The importance of Mount Taylor as a place of mythological significance for the Navajo and surrounding Pueblos is undisputed. In 1897, Washington Matthews, reporting on the Navajo view of their cardinal mountain of the south, described its mythological character as being “fastened to the earth with a great stone knife, decorated with turquoise, with dark mist, she-rain, wild animals.” It is also the home of Supernatural Beings (Matthews 71, 78-79), and, like all cardinal mountains, it has a “breathing” mythological persona, hence the wind that is often blowing at high altitudes.

In view of recent legal decisions, it seems difficult to prove that a development substantially burdens the exercise of a specific religion. The Navajo and the Hopi were unable to prove, in the recent San Francisco Peaks case, that the extension of the Snowbowl ski area “substantially burdens their exercise of religion,” or coerced them to violate their religious beliefs. Moreover, Judge Rosenblatt, who presided the Appeals Court, argued that the “sheer number” of sacred sites—40 to 50,000—on Southwestern forest lands, would prevent any form of development, and that the wishes of the tribes would impose “religious servitude” over large amounts of public land. Citing previous decisions, he reaffirmed the right of the government “to use what is, after all, its land” (underlined by Rosenblatt) (Rosenblatt Decision 44-45, 54-59).

This is probably one of reasons why the TCP approach was chosen, as it is less centered on First Amendment issues and more on tradition. When the application to nominate Mount Taylor for the State Register of Cultural Places was handed in, in 2007, five tribes had prepared extensive statements, three Pueblos, Acoma, Laguna, and Zuni, plus the Hopis, and the Navajos. The tribes have hired anthropologists, or have called upon their in-house staff, to present the importance of Mount Taylor in their mythology and ceremonialism. While tribal statements stress that they do not wish to speak about sacredness, they quote published texts presenting ceremonialism and belief systems (Mount Taylor, Application for Registration 12/1, 77).

In 2009, Mount Taylor was listed on the State Register of Historic places. To what extent the listing afforded protection against mining was not clear. The anti-uranium side hoped it would prevent mining operations within the TCP, and the more moderate TCP advocates believed it might at best delay operations and give the tribes and conservationists time to organize their defense, should a

mining permit be deposited (Moe 1). Tempers ran high and interethnic violence occurred. During one particularly violent hate crime towards a Navajo, an attacker—believed to be Hispanic—was reported as saying “you’ve got Mount Taylor, now you’re mine” (Paskus 1).

Local landowners were unhappy with the decision to place Mount Taylor on the State Register of Historic places and they filed an appeal on the ground of the unusually large size of the TCP (nearly 700 square miles, *i.e.* 182,000 hectares). On February 4, 2011, the Fifth Judicial District Court reversed the TCP designation of Mount Taylor, arguing that it is “overboard and arbitrary,” and that monitoring such a large area cannot reasonably be done.

Today, the Mount Taylor area and the Grants uranium belt is a patchwork of conflicting interests. While Zuni traditionalists staunchly affirm that their rituals on Mount Taylor “help maintain an entire cosmological process [...] for the benefit of all humanity” (Paskus 2), private landowners, who enjoy greater protection in the United States than in European countries, claim that their rights may be infringed if the tribes manage to protect the area. It will be interesting to observe tribal policies and attitudes towards protecting Mount Taylor in the coming years.

Conservationist attitudes are tribal as well as mainstream. Mining states are evaluating the costs of post-production cleanup, and it appears that restoring the landscape after the mining companies are gone—leaving tailings leaching toxic waste—comes at a cost that equals the revenues of the mines during their whole production period. For Thomas Power, a natural resource economist from the University of Montana, the uranium mines in New Mexico are profitable only if the cleanup cost is not included (Power 54-55).

In the context of the Grants uranium belt and its rural poverty, it seems that two realities coexist without meeting. The land grant owners want no outside interference in their wish to exploit the uranium that has provided jobs for their ancestors. The 15 families who still maintain a home in the village of Marquez, on the Cebolleta land grant (*aka* the Juan Tafoya land grant,) want to be able to work close to home and exploit their resources. They consider themselves as good stewards of the land, and they claim indigenoussness. For Laura Paskus, “the tribes’ attempt to protect the mountain tapped into a dark reservoir of old tensions” (Paskus 2).

Poverty appears as a cause for violent racism, in the manner of the clashes in Farmington in the 1970s. The meeting organized on June 14, 2008 at the Grants High School where the proponents and opponents to the TCP were scheduled to voice their views, turned out to be a showdown between “cowboys” and Indians, one group bearing signs that read “Mount Taylor is public land, not reservation,” the other “Save our Sacred Mountain” (Paskus 5).

The issue is centered on land ownership, not in the material sense of who owns the deed, but in the deep sense of who was there first to take care of it. The land grant owners of Marquez affirm their ties to the land in a quasi-religious sense. Their catholic shrines mark the landscape and recall their family history. However, sacredness has not yet been used in the legal debate of who has rights to the land.

In the future, one argument might be heard above all others: the energy needs of the United States. In the wake of the Fukushima accident, the future of nuclear energy is dim. However, the needs are undeniably there. For Marita Noon, conservative pro-energy activist and Executive Director of Energy Makes America Great, “everything we hold dear in America is threatened by threats to energy” (Paskus 4). The Grants Mining Museum gives the list of closed mines as of August 1986. The list, given without comments, reads like an obituary. An addendum mentions that it does not include one-man, or one-family operations. An exhibit also presents newspaper excerpts about specific closures and the job losses they entail, and the plight of people who lost their income. The visitor is left to draw his own conclusions. Meanwhile, in the last years, the mining sector in New Mexico experienced growth, mainly in oil and gas, ensuing in a more positive outlook for Cibola County (Waldman). Coal is also on the rise with uranium on standby.

Whether the “ecological Indian” will be able to maintain his role is a question left open. We cannot tell how fast the opinion will change about nuclear energy. Meanwhile the Navajos and other local tribes are undergoing a process of resacralization of mythic places. On the other hand the pressure of poverty seems to increase locally. The coal industry appears to be the lesser evil. If we look at the policies of the Navajo Reservation—despite the ban on uranium mining issued by former Navajo President Joe Shirley—the current administration wants to remain open to nuclear mining and processing in the future. In June 2011, the Navajo Nation issued the following energy policy:

*The Nation currently supports a ban on uranium mining in Navajo Indian Country. The Nation nonetheless will continue to monitor uranium mining technologies and techniques, as well as market conditions for uranium mining and nuclear electricity generation to assess the safety, viability and potential of these activities for the future.*

While the Navajo Nation addresses the issue of sovereignty over resources located on tribal land, no other local tribe mentions claiming resources in ancient homeland under the Declaration on the Rights of Indigenous Peoples. The legal land-use issues are complex as the Declaration has not become US law but is already tested by at least one tribe in Alaska (Townsend). The careful

stance seems to be an effort of *realpolitik* and a wish not to antagonize the American mainstream. On the other hand, Hispanic owners who claim long-time occupation of the land—and traditional stewardship—use mainstream legal arguments pertaining to private property rights. While the issue of Indigenous rights in matters of land use remains central to the case of Mount Taylor, neither side is eager to discuss it due to its unresolved legal status.

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**Abstract:** Large uranium deposits were discovered on the flanks of Mount Taylor (NM – USA) in the early 1950s and were mined to fuel the nuclear military and civil industries. The uranium boom lasted up to the 1980s when the mines started to shut down. This region of New Mexico is the homeland of the Navajo and several Pueblos—Laguna and Acoma—who found employment in the mining operations. The harmful effects of low-level radiations gradually appeared in the Western states where nuclear testing and mining affected local inhabitants. In 2005, the Navajo Nation outlawed any form of uranium mining and milling. However, most mines are located on non-Indian land, public or private, over which the Navajo have no jurisdiction, and another group claiming indigeneness—the Hispanic owners of a Spanish colonial land grant—would like to reopen a uranium mine. They consider it their right to have employment opportunities in a rural area of New Mexico where the alternative would be a 55-mile (approx. 90 km) commute to Albuquerque.

**Keywords :** Uranium, Navajo Nation, Mount Taylor, Mines, New Mexico (USA).

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**Résumé :** D'importants gisements d'uranium ont été découverts sur les flancs du Mont Taylor (Nouveau-Mexique, États-Unis d'Amérique) au début des années 1950 et ils ont été exploités pour alimenter les industries nucléaires militaires et civiles. Le boom de l'uranium dura jusque dans les années 1980 quand les mines commencèrent à cesser leur exploitation. Cette région du Nouveau-Mexique est la terre ancestrale des Navajo et de plusieurs tribus pueblo (Laguna et Acoma) qui trouvèrent un emploi dans les mines. Les effets nocifs des radiations de faible intensité apparurent graduellement dans les États de l'ouest des États-Unis où les tests balistiques et les opérations minières affectaient les populations locales. En 2005, la Nation Navajo interdit toute forme d'exploitation d'uranium et de traitement de minerai. Cependant, la plupart des mines sont situées sur des terres non indiennes, publiques ou privées, sur lesquelles les Navajo n'ont pas juridiction et un autre groupe se disant autochtone, les propriétaires hispaniques d'une terre concédée à l'époque coloniale espagnole, aimeraient rouvrir une mine d'uranium. Ils considèrent avoir le droit à un emploi dans une zone rurale du Nouveau-Mexique où la seule alternative serait de faire le trajet jusqu'à Albuquerque, à environ 90 km.

**Mots-clefs :** Uranium, Nation navajo, Mont Taylor, Mines, Nouveau Mexique (États-Unis).